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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,348	05/25/2000	Christopher E. Pearce	062891.0405	7459
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, HANH N	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 03/19/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/579,348

Applicant(s)

PEARCE ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 12/19/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☐ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

From the amendment filed on 12/19/08, claims 1-7 and 15-53 are canceled. Claims 8-14 are pending. Claim 14 is allowed.

Allowable Subject Matter

The indicated allowability of claims 8-13 is withdrawn in view of the newly discovered reference(s) to Kumar (US Pat. 6671262 B1). Rejections based on the newly cited reference(s) follow.

Claim 14 is allowed over prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13 are rejected under 35 USC 103(a) as being unpatentable over Kung et al. (US pat. No. 6,671,262 B1).

In claims 8, 10, according to the specification, a call manger is off-line when a call manger is fail/reach full capacity (page 4, lines 20-30 and page 21, lines 20-30); and disconnected from the network or unable to communicate with other active call managers (see col.21, lines 20-25). Further on page 3, lines 25-30 and page 4, lines 25-30, the specification

describes claimed “deleting registration information associated with the first call manager....” (see col.3, lines 25-30) as part of “device registration information is automatically updated between active call managers and sent to new call managers” (see page 4, lines 25-30). Therefore, examiner understands that “updating registration information associated with a call manger” automatically includes “deleting the registration information associated with a call manger”.

Kung et al. discloses, in fig.1, a plurality of IP central station 200 (col.5, lines 1-5). Each Ip central station 200 (as shown in Fig.2), includes a call manger 218 which is coupled to IP network 120 (see col.6, line 63 to col.7, line 1; a first call manager and a second call manager are coupled in a packet based network).The call manager includes a storage listing number of subscribers, verifies identity of the calling subscribers and authenticates whether a call is authorized (storing registration information associated with devices). See col.10, lines 25-35 and lines 55-65.

Kumar in fig.13, step 1309, discloses call servers CS associated with a call manager are not available (see col.36, lines 10-17; a first call manager has gone off-line/down) or overloaded because of the current resource is not available (see col.36, lines 40-45).

One of functions of the call manager 218 is to provide call setup, call state maintenance, teardown, call processing such as voice over Ip for a user (see col. 9, lines 10-50 and col.10, lines 10-25; a call manger controls a device). In response to a new call wishes to join into an existing conference (step 1301; fig.13; col.36, lines 15-20) and the current call manager 218, after polling its conference servers for available resource (step 1307, Fig.13; col.36, lines 30-43), defines that its servers does not have enough resources to provide the new call because the

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servers are overloaded (col.36, lines 10-15; a change occurs in a call manager such that the call manager is off-load) . The call manager 218 communicates with other call managers 218 in other Ip domains (step 1315; col.36, lines 42-47) requesting available resource for the new call (see col. 36, lines 45-55; communicating status information from a first call manager to a second call manager in response to a change of a call manager controlling a device). Therefore, At step 1327, fig.13, the new call manager 218 updates the new calling subscriber to the conference call (updating registration information by the second call manager in response to receiving the status information). See col.36, lines 55-60.

Kung does not disclose a second call manager deleting registration information associated with the first call manager in off-line status.

Based upon specifications on page 3, lines 25-30 and page 4, lines 25-30 shown above, when the new call manager 218 updates the new calling subscribers (registration information) to the conference call, it is inherent that there is deletion existing subscribers or adding new subscribers information. Therefore, the step of deleting registration information associated with the first call manager is inherently included in the updating registration information step of Kumar.

For more information, the call manager 218 further comprises one or more databases including resources that are connected to the broadband network 1 (fig.1) and their current states (col.10, lines 55-65).

In claims 9 and 11, Kumar discloses determining that a first call manager has gone off-line (see fig.13, step 1303, 1305; determining the call manager 218 is unavailable due to not enough resources) comprises: transmitting a polling message from the second call manager over

the packet-based network directed to the first call manager (fig.13, steps 1307, 1315; polling central servers CS associated with the call manager as well as communicating with other call manager to determine their availability); and failing to receive a response from the first call manager, the first call manager having previously responded to a polling message from the second call manager (see fig.13, after steps 1315, 1317 brings result “NO” indicates no central servers associated with other call managers is available).

In claim 12, Kumar discloses above in claim 8, that in each central station IP 200, there is a call manger 218. The system 1 (fig.1) of Kumar describes a plurality of IP central station 200. Therefore, it is understood that there are more than two call managers 218 communicating registration information from each other including between the third call manger and the first call manager. With similar concepts, each call manger 218 stores registration information of other devices or other call managers (communicating local registration information associated with devices controlled by a third call manager from the third call manager to the first call manager; and combining the registration information received from the second and third call managers by the first call manager to form the composite registration information stored by the first call manager).

In claim 13, as described in the rejection of claim 8 above by Kumar, it is inherent that during updating new subscriber information at step 1327, fig.13, adding local registration information (such as new subscriber information) should be done by every call manager in the packet network because adding user information is part of updating. registration information associated with devices controlled by the first call manager to the composite registration information stored by the first call manager.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kung et al. (US Pat. 6,570,855 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Thursday from 8AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field , can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571 272 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2616

HANH NGUYEN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Hanh Nguyen', is written over the printed name and title.